



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GRAF

Application No.: 10/774,872

Filing Date: 02/09/2004

Title: SURFACE TECHNOLOGY

Attorney Docket No.: GRA102USA

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant, through his attorney, hereby petitions the Commissioner under 37 C.F.R. 1.102 to advance the above identified application out of turn.

Grounds for this request are actual infringement. As a basis for the granting of this petition, and as required in MPEP 708.02, enclosed is a statement of Thomas M. Graf in support of the petition.

11/30/2004 EFLORES 00000042 10774872

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130.00 OP

CERTIFICATE OF MAILING (IF APPLICABLE)

Date of Deposit: 11-22-04. I hereby certify that this paper/fee is being deposited with the United States Postal Service as First Class Mail-Postage Prepaid, under 37 CFR 1.8, on the date indicated above, and is addressed to the Assistant Commissioner For Patents, Washington, D.C. 20231

Jessica Raska
Name
Jessica Raska
Signature

On the basis of the facts and for the reasons set forth in the statement, Applicant respectfully requests that this petition be granted and that the application be advanced for examination as soon as possible.

Enclosed is a credit card authorization form in the amount of \$ 130.00 for the petition fee due under 37 C.F.R. 1.17(i).

Authorization is given to charge any underpayment in fee, or to credit any overpayment in fee, to Deposit Account No. 19-2381.

Respectfully submitted,



Joel D. Skinner, Jr., Reg. No. 33,786

Date: 11-22-04

Skinner and Associates
212 Commercial Street
Hudson, Wisconsin 54016
Tel.: (715) 386-5800
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Enclosures

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**STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL
BECAUSE OF ACTUAL INFRINGEMENT (M.P.E.P § 708.02)**

I,
Joel D. Skinner Jr.
212 Commercial Street
Hudson, WI 54016
Registration Number 33,786
Tel. No. (715) 386-5800

1. I am the attorney of record in the above referenced patent application.
2. I make this statement in support of the petition to make special in connection with the above-referenced application.
3. There is an infringing product actually on the market, namely FLORUNDUM Decorative Marble Aggregate Dry Shake Floor Hardener sold by Metalcrete Industries of Cleveland, Ohio.
4. A rigid comparison of the infringing product with the claims of the application has been made, and that, in my opinion, some of the claims are unquestionably infringed.
5. I have made and caused to be made a careful and thorough search of the prior art and I have a good knowledge of the pertinent prior art.

11-22-04
Date



Joel D. Skinner, Jr.
Patent Attorney



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STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL UNDER 37CFR§ 1.102

I, Thomas M. Graf, 575 Schommer Drive, Hudson, WI 54016, am the inventor of the above captioned invention, and hereby state the following:

1. I have been working full time in the field of concrete formulation and placement substantially exclusively and continuously for twenty-two (22) years.
2. I make this statement in support of the petition to make special in connection with the above-referenced application.
3. There is an infringing product actually on the market, namely FLORUNDUM Decorative Marble Aggregate Dry Shake Floor Hardener sold by Metalcrete Industries of Cleveland, Ohio.
4. A rigid comparison of the infringing product with the claims of the application has been made, and in my opinion, some of the claims are unquestionably infringed.
5. I have made and caused to be made a careful and thorough search of the prior art and I have a good knowledge of the pertinent prior art.


Thomas M. Graf

Date: 11/19/04